

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Clerk's Minutes

Before the Honorable Chief Judge William P. Johnson

Case No.: CR18-2945 WJ

Date: 9/25/2023 to 10/17/2023

Parties: USA v. Siraj Wahhaj, Subhanah Wahhaj, Hujrah Wahhaj, and Lucas Morton

Courtroom Clerk/Law Clerks: R. Garcia & A. Kittrell/Emily Franke, Taylor Rafaly, Alexis Salas, Joseph Gergel

Court Reporters: M. Loughran and Paul Baca

Interpreter: N/A

Type of Proceeding: Jury Selection/Trial

Place of Court: Albuquerque

Total time in Court: 73 hours and 13 minutes

Evidentiary Hearing: YES

Attorneys Present for Plaintiff(s):

Kimberly Brawley, George Kraehe,
Jackson Hall, and Jessica Joyce

Attorneys Present for Defendant(s):

Thomas Clark, stand-by counsel for Siraj Wahhaj,
Ryan Villa and Justine Fox-Young for Subhanah Wahhaj,
Marshal Ray and Donald Kochersberger for Hujrah Wahhaj,
Joseph Shattuck, stand-by counsel for Lucas Morton

Proceedings:

9:12 Court in sealed session without jury panel; counsel enter appearances; Defendants present.

The Court notes it has some preliminary matters to take-up re jurors excused on Friday and will seal this portion; Court discusses jurors excused by the Court on Friday.

9:35 Court takes a short break.

10:14 Court back in public session.

The Court addresses the jury; thanks jury for service and presence today; summarizes the case for the jury; explains process of voir dire; notes this is a court of record; asks jury panel to turn off phones; jury panel sworn in.

The Court conducts voir dire.

10:49 Court excuses jury panel and takes a short break.

11:03 Court back in sealed session without the jury panel to discuss juror matters.

11:06 Court back in public session with jury panel
The Court continues conducting voir dire.

12:24 Court releases jury for lunch to be back at 1:45.
Court moves into sealed session without jury panel to discuss juror excusals for cause.

12:41 Court breaks for lunch.

2:57 Court back in public session with jury panel.
Voir dire by Mr. Brawley.

3:52 Court in sealed session without jury panel to discuss juror excusals for cause.

4:21 Court takes a short break.

4:41 Court in sealed session w/out jury panel to conduct further juror excusals for cause.

4:54 Court back in public session with jury panel.
Mr. Villa conducts voir dire.

5:53 Mr. Siraj Wahhaj conducts voir dire.

5:58 Mr. Ray conducts voir dire.

6:06 Mr. Morton has no voir dire to conduct.
Court conducts bench conference; suggests letting the jury go tonight and coming back tomorrow morning to conduct peremptory challenges; will have jury panel report at 10:00 a.m.

6:08 Ms. Brawley conducts follow-up voir dire.

6:09 Court addresses jury panel and directs jury to report at 10:00 unless you receive a phone call that you have been excused.
The Court advises the jury panel not to discuss case, avoid media coverage, and not to conduct independent research.

6:14 Jury panel excused.

6:15 Court moves into sealed session without jury panel to discuss juror excusals for cause.

6:34 Court in public session; addresses scheduling; Mr. Villa asks if clients can be brought in about 8:00 to consult with counsel re peremptory challenges; Marshals advise 8:30 is more practical.
The Court will have defendants here at 8:30; counsel can confirm with them and then we can plan on

conducting peremptory challenges at 9:30, and the jury here at 10:00.

Mr. Clark rises issue of discovery disclosure by the Government of 211 jail phone calls by Mr. Wahhaj; based on short notice and voluminous nature of this discovery, Mr. Wahhaj asks that they be excluded; notes Mr. Wahhaj will supplement the record with a motion; Mr. Hall addresses discovery disclosure noting the Government just received them and in fairness turned them over; notes the Government does not plan on using them for evidence; they are not being used for anything other than that the Government pulled them from the jail.

Mr. Shattuck advises the Court that Mr. Morton has asked for his calls from the jail for months and has not received them; Court asks Mr. Hall what's the procedure for obtaining the calls; Mr. Hall notes the FBI obtains them; Court notes Mr. Morton would like his calls; Mr. Hall believes the jail is actually working on that, but it's a large time period; Court asks FBI case agent if he can check on the status of Mr. Morton's calls; case agent notes there is a Marshals contact and the Marshal obtain the calls for him; Mr. Shattuck advises he has been in communication with Marshal Barreras who contacted the warden, but nothing has happened; Court directs the Marshals to contact warden and advise it's a priority since trial has started; Marshal will do so.

6:40 Court moves into sealed session without jury panel to discuss juror who has remained down in jury department and wishes to be excused.

6:43 Court in recess for the evening.

TUESDAY 9/26/2023

9:40 Court in session w/out the jury panel; counsel enter appearances; defendant's present.

Court conducts peremptory challenges.

9:53 Ms. Brawley raises a Batson Challenge re women stricken; Ms. Brawley argues in support of Batson Challenge; Court notes additional challenges and current make up of jury as men v. women; discussion; Ms. Brawley cites to case law; Mr. Brawley requests that the Court go to each of the women juror struck and point out gender neutral reason for strikes; Mr. Villa responds noting the Government has not made a prima facie case for a Batson Challenge.

10:00 Court takes a short break.

10:15 Court back in session.

The Court has reviewed the case law; Court finds Government makes a prima facia case and asks Mr. Villa to provide gender neutral reasons for strikes; Mr. Villa responds to the finding of prima facia case by the Government; does not believe there is a prima facia case; Ms. Brawley responds and notes Mr. Villa must go through each female juror one by one; Mr. Villa goes through each juror: Mr. Villa addresses juror 1; Court overrules Batson challenge; Mr. Villa addresses juror 2; Mr. Brawley responds; Court overrules Batson challenge; Mr. Villa addresses juror 6; Ms. Brawley responds; Court overrules Batson challenge; Mr. Villa addresses juror 8; Ms. Brawley responds; Court overrules Batson challenge. Mr. Villa addresses juror 9; Ms. Brawley responds; Court overrules Batson challenge; Mr. Villa addresses juror 11; Ms. Brawley responds; Mr. Villa replies; Court overrules Batson challenge; Mr. Villa addresses juror 18; Ms. Brawley responds; Court overrules Batson challenge; Mr. Villa addresses juror 28; Ms. Brawley responds; Ms. Brawley replies; Court overrules Batson challenge; Mr. Villa addresses juror 35; Ms. Brawley responds; Court overrules Batson challenge; Mr. Villa addresses juror 39; Ms. Brawley responds; Court overrules Batson challenge; Court finds no systematic striking.

Mr. Ray raises Batson Challenge to the Government's striking of male jurors; all defendants join in; Ms. Brawley addresses juror 3; Mr. Ray responds; Court overrules Batson challenge; Ms. Brawley would like to note she does not believe the defense has made a prima facia case for a Batson Challenge; Court notes it's a close call, but would like to make a record on the matter; Ms. Brawley addresses juror 5; Mr. Ray responds; Court overrules Batson challenge; Ms. Brawley addresses juror 20; Mr. Ray responds; Court overrules Batson challenge; Ms. Brawley addresses juror 21; Mr. Ray responds; Court overrules Batson challenge.

11:12 Court asks if there are any further objections to how this jury was selected; none.

The Court will take a short break come back and do Government's opening before lunch.

Mr. Villa addresses preliminary instructions; Court responds re how it will proceed to read preliminary instructions.

11:16 Court in recess for a short break to bring in the jury panel.

11:35 Court back in session to seat the jury.

11:40 Court excuses remaining jury panel.

11:43 The Court addresses the jury and gives preliminary instructions.

11:55 Opening statement by Mr. Kraehe.

12:34 Court breaks for lunch to return at 2:00.

2:07 Court back in session with the jury.

Opening statement by Mr. Kochersberger.

2:37 Opening statement by Siraj Wahhaj

2:43 Objection by Mr. Kraehe re argument during opening statement; Court sustains the objection and reminds Mr. Wahhaj to stick to what the facts will show.

2:45 Opening statement by Ms. Fox-Young.

2:58 Mr. Morton will reserve opening statement.

Ms. Brawley calls Hakima Ramzi as a witness; witness sworn.

Direct by Ms. Brawley; witness identifies defendant Siraj Wahhaj; witness identifies Subhanah and Hujrah Wahhaj; witness identifies Lucas Morton; witness referred to Exhibit 1 (family video of Abdul Ghani on Eid); offered for admittance; w/out objection, the Court admits Exhibit 1; Witness referred to Exhibit 2 (video of Abdul Ghani); offered for admittance; w/out objection, the Court admits Exhibit 2; witness referred to Exhibit 3 (photo of Abdul Ghani); witness referred to Exhibit 4 (Hakima messages from NM004213); witness referred to Exhibit 4a (Bubble message from Hakima on 11/27/17).

4:11 Court takes a short break.

4:37 Court back in session w/out the jury.

The Court advises Ms. Brawley to have Ms. Ramzi speak into the mic.; Court advises it wishes to go until about 4:45 today.

4:38 Court back in session with the jury; Ms. Brawley continues direct of witness Hakima Ramzi; witness referred to Exhibit 4B (Bubble message from Hakima on 12/2/17), 5 (Abdul Ghani Missing Person Poster); 6 (SMS Message from Cameron Jackson), 7 (December 18, 2017 Pick-Up Order), 8 (December 20, 2017 Petition for Divorce and Emergency Motion for Custody), 9 (Jan. 30, 2018 Petition for Emergency Custody and Release of Social Security Disability Records); 9a (Jan 31, 2018 Order Granting Petition for Emergency Custody and Release of Social Security Disability Records).

5:30 The Court will break for the evening and return at 9:00 a.m.

The Court instructs the jury re communicating about the trial, media coverage, or research.

Jury released for the evening.

Wednesday, September 27, 2023

- 9:12 Court back in session without jury. Mr. Villa discusses defense exhibit CC (4/25/16 Memorandum of Contract), have been admitted (stipulated).
- 9:13 Mr. Wahhaj discusses the delay on bench conference, he is unable to hear the conference and decisions are discussed after the conference per standby counsel. Court will give standby counsel time to discuss with both pro se defendants prior to bench conferences. Mr. Morton adds he joins the argument with Mr. Wahhaj.
- 9:16 Jury brought back into courtroom. With witness previously sworn, Hakima Ramzi.
- 9:20 Justina Fox-Young begins cross examination with witness Hakima Ramzi.
- 9:34 Justina Fox-Young concludes cross examination. Donald Kochersburger begins cross examination for Hakima Ramzi.
- 9:41 Objection, Court asks to rephrase the question.
- 9:41 Mr. Kochersberger rephrases the question.
- 9:42 Mr. Kochersberger concludes cross examination. Mr. Morton does not have questions.
- 9:43 Mr. Wahhaj begins cross examination.
- 9:48 Objection by Government, Court allows. Mr. Wahhaj continues cross examination.
- 9:57 Mr. Wahhaj concludes cross.
- 9:57 Ms. Brawley begins redirect.
- 10:00 Mr. Morton objects, asked and answered. Court grants objection. Ms. Brawley continues redirect.
- 10:10 Ms. Brawley concludes redirect. Witness excused; Court takes a break.
- 10:13 Government calls the next witness, Jamella Jihad. Government begins direct examination.
- 10:45 Court takes a break.
- 11:15 Court back in session without jury. Mr. Wahhaj moves to have Hakima Ramzi to remain under subpoena to be recalled later. Government responds. Court will take up this over lunch with counsel.
- 11:21 Court resumes. Government continues with direct examination.
- 11:54 Government passes the witness. Ms. Fox-Young begins cross examination.
- 12:22 Ms. Fox-Young passes the witness. Mr. Ray begins cross examination.
- 12:29 Mr. Ray concludes cross examination. Mr. Morton and Mr. Wahhaj do not cross examine.

12:30 Ms. Brawley begins redirect.

12:40 Ms. Brawley concludes redirect.

12:40 Ms. Fox-Young begins recross.

12:42 Ms. Fox-Young concludes recross. Mr. Ray begins recross.

12:43 Mr. Ray concludes recross. Court in recess for lunch, will resume at 2:15pm. Government would like to release Jamella Jihad, all parties agree. Mr. Wahhaj withdraws request to keep Hakima Ramzi under subpoena.

2:25 Court back in session with jury panel.

Mr. Hall calls Jamil Louis-Jacques as a witness; witness sworn.

Direct by Mr. Hall; witness identifies Siraj Wahhaj, Lucas Morton, Subhanah Wahhaj, and Hujrah Wahhaj;

Mr. Hall continues direct exam; witness referred to Exhibit 12 (Jany Leveille's Testament Book); offered for admittance; bench conference (counsel object, on grounds of relevance, to admittance of Exhibit 12);

Court overrules objection; Court will admit Exhibit 12; Mr. Hall continues direct exam; witness referred to Exhibits 11a (Ruqyah Video 1), 11b (Ruqyah Video 2), 11c (Ruqyah Video 3); witness referred to Exhibit 12; Mr. Hall continues directs.

4:10 Court takes a break.

4:39 Court back in session w/jury.

Mr. Hall continues direct exam; witness referred to Exhibit 15 (Photo of Jamil and Farroll at Amalia Compound, 13 (Arial Photo of Amalia Compound), 14 (Photos of Amalia Compound), 16a (Firearms Training Video), 16b (Firearms Training Video), 16c (Firearms Training Video), 16d (Firearms Training Video), 16e (Firearms Training Video), 16f (Firearms Training Video), 16g (Firearms Training Video), 16h (Firearms Training Video), 17 (1/13/18 Photos of Abdul Ghani's Body).

5:45 The Court instructs the jury re research, media, or discussion of the case.

5:46 Court recesses for the evening and will resume at 9:00 a.m.

Thursday, September 28, 2023

9:10 Court resumes without jury. Court has a bench conference with Mr. Clark and Sirraj Wahhaj on record alone without other counsel.

9:17 Court discusses schedule regarding jury.

9:25 Court resumes with the jury. Cross examination begins on the witness Jamil Louis-Jacques by Mr. Villa.

10:07 Mr. Villa concludes cross examination. Mr. Kochersberger begins cross examination.

10:21 Mr. Kochersberger concludes cross examination. Mr. Morton begins cross examination.

Court takes a break.

11:00 Court resumes with cross examination by Mr. Morton.

11:15 Bench conference regarding the entire book of Jany Leveille's Testament Book (Exhibit 12) to be admitted. Mr. Villa objects to the entire book being admitted. Counsel agrees upon certain pages of exhibit 12 to be admitted during Mr. Morton's cross examination of Jamil Louis-Jacques; pages: 195, 200, 201, and 207 to be admitted without objection; exhibit will be labeled as DD.

11:19 Cross examination continues.

11:28 Mr. Morton concludes cross examination.

11:29 Mr. Wahhaj begins cross examination.

11:52 Mr. Wahhaj concludes cross examination. Mr. Hall begin redirect.

11:58 Objection to use of photo from Mr. Hall, objection sustained, photo not used.

12:01 Redirect continues.

12:21 Redirect concludes. Witness can be excused. Court will take lunch break now, will resume at 2:00pm.

2:10 Court back in session w/out the jury.

Ms. Fox-Young addresses the Court re defense motion to sever and the Court's ruling denying it; notes dynamics of having the defendants together in courtroom which may prejudice the other clients; requests severance of her client.

2:07 Court will hear from the Government at a later time and will take the oral motion under advisement.

Mr. Kraehe calls Farroll Louis-Jacques as a witness; witness sworn.

Direct by Mr. Kraehe; witness identifies Siraj, Hujrah, Subhanah Wahhaj, and Lucas Morton; witness referred to Exhibits 12, 13, 19a, 19b, 19c, 19d, 19e, 19f, 18, 38.

3:55 Court recesses for a break.

4:39 Court back in session w/jury.

Cross examination of witness Farroll Louis-Jacques by Mr. Ray.

5:19 Mr. Shattuck advises Mr. Morton would like to do cross exam in the morning; bench conference.

5:22 The Court will break for the evening and continue cross exam in the morning; Court instructs jury re media, research, discussion of the case; Court advises we'll start tomorrow at 9:00 a.m.

5:24 Court in recess.

FRIDAY 9/29/2023

9:05 Court in session. Without jury. Government would like to admit additional exhibits; two letters received yesterday. Mr. Luckman wrote to officer Captain Stubbs who is next witness. Ms. Fox-Young argues against the admittance of exhibits. All defense counsel joins in motion (including pro se). Court will review letters and reconvene this issue at a later time.

9:10 Court back in session with the jury. Mr. Morton begins cross examination of Farroll Louis-Jacques.

9:41 Bench conference regarding objection.

9:46 Cross examination continues.

9:53 Mr. Morton concludes cross examination. Mr. Wahhaj begins cross examination.

10:13 Court takes a break.

10:28 Court back in session without jury. Court addresses the letters with Government witness Captain Stubbs. Captain Stubbs sworn. Court asks Captain Stubbs questions regarding the letters offered by the Government for exhibits.

10:35 Government does not have questions for the witness. Ms. Fox-Young begins questioning witness.

10:40 Ms. Fox-Young concludes questioning. Mr. Ray begins to question witness.

10:43 Mr. Ray concludes questioning; Mr. Morton asks one question and concludes.

10:44 The Court asks questions of the witness.

10:47 The Court concludes with questioning of witness. The Government asks questions of the witness.

10:49 The Government concludes with questioning of the witness. Witness excused for now (will resume at a later time).

10:50 Ms. Fox-Young begins argument against admitting letters as exhibits. All defendants join with Ms. Fox-Young's argument.

10:54 Mr. Kraehe begins argument in favor of admitting letters into evidence.

11:01 Court in short recess.

11:09 Court resumes without jury. Court rules in favor of admitting the relevant portions of the letters (to be

redacted) as exhibits into evidence; Court will provide a limiting jury instruction to exclude this evidence as to other defendants.

11:16 Court resumes with jury. Mr. Siraj Wahhaj continues cross examination.

11:22 Objection by Mr. Villa. Bench conference. Mr. Siraj continues with cross examination.

11:24 Mr. Wahhaj concludes cross examination. Mr. Villa begins cross examination. Mr. Villa shows exhibit P (preadmitted).

11:46 Mr. Villa concludes cross examination. Government will begin redirect after lunch break, will reconvene at 1:30pm.

1:30 Court back in session. Government will call child witness first prior to calling Captain Stubbs.

1:35 Court back in session w/jury.

Mr. Kraehe conducts redirect.

1:46 Witness excused.

Ms. Brawley calls Nawailah Ali as a witness; witness sworn.

Direct by Ms. Brawley; witness identifies Hujrah Wahha, Siraj Wahhaj, Subhanah Wahhaj, and Lucas Morton.

2:34 Cross exam by Mr. Villa.

2:39 Cross exam by Mr. Kochersberger.

2:44 Redirect by Ms. Brawley.

2:45 Witness excused.

Mr. Hall calls Alabama Police Corporal James Earnhardt as a witness; witness sworn.

Direct by Mr. Hall; witness referred to Exhibits 34; witness identifies Siraj Wahhaj; Mr. Hall continues direct; witness referred to Exhibits 35 (12/13/17 Lapel Video from Alabama Crash), 36 (12/13/17 Lapel Video from Alabama Crash); witness identifies Lucas Morton.

3:29 Cross exam by Mr. Villa.

3:36 Cross exam by Mr. Kochersberger.

3:37 Redirect by Mr. Hall.

3:38 Witness excused.

Jury excused for a break.

Court in session w/out jury.

The Court and counsel agree to recess for the day.

3:48 Court in session with the jury.

Court instructs jury re media, research, discussion of the case and releases jury for the weekend.

3:51 Court in session w/out the jury.

Mr. Villa addresses the Court and orally renews argument for severance of pro se defendants; Mr. Hall responds, Court will take the oral motion under advisement and address after the Government rests its case; Mr. Hall will address the matter more fully when the Court is ready.

Mr. Hall addresses the Court's ruling re the Government's Motion in Limine and certain instances where defense has violated some of those instructions and the questions that may be asked by the defendants; Court will review its ruling.

The Court asks about the redacted letter exhibits the Government was to introduce; Mr. Kraehe advises that the redacted letter exhibits are being worked on; Court advises that if there is an issue, it will take it up at 8:45 Monday morning.

4:01 Court in recess.

MONDAY, OCTOBER 2, 2023

9:05 Court in session without the jury. Government addresses the two letters that they would like to admit into evidence. All counsel has agreed to the majority but have disagreed on a sentence. Court takes a recess to review.

9:26 Court in session with the jury. Government calls next witness; W. Scott Stubbs, witness sworn. Government begins direct examination. Exhibit 23 (Letter to Muhammad) admitted, objection by defense counsel, overruled. Government continues with direct examination. Exhibit 103 admitted, objection by defense counsel noted, overruled.

10:32 Government concludes direct examination. Mr. Ray begins cross examination.

10:47 Mr. Ray concludes cross examination. Court in recess.

11:07 Court resumes with jury. Mr. Morton begins cross examination.

11:27 Mr. Morton concludes cross examination. Mr. Wahhaj does not have any questions. Ms. Fox-Young begins

cross examination.

11:36 Ms. Fox-Young concludes cross examination. Government begins redirect.

11:40 Witness excused.

11:41 Government calls next witness, Muhammad Abullah Wahhaj, witness sworn. Government begins direct examination.

12:41 Lunch.

2:05 Court back in session with jury.

Mr. Kraehe continues direct; witness referred to Exhibits 22, 23; Court questions witness.

2:27 Cross exam by Mr. Villa; witness referred to Exhibit FF (Facebook Business Record from Subhanah); offered for admittance; w/out objection, the Court admits FF; bench conference; objection overruled; witness referred to Exhibit EE (Facebook Business Record from Subhanah); offered for admittance; w/out objection, the Court admits Exhibit EE.

2:54 Cross exam by Mr. Morton.

3:00 Cross exam by Mr. Siraj Wahhaj; witness referred to Exhibit 11a, 11b.

3:15 Cross exam by Mr. Ray.

3:26 Redirect by Mr. Kraehe; witness referred to Exhibit 22.

3:36 Witness excused.

Mr. Kraehe calls Taos County Undersheriff Jerry Hogrefe as a witness; witness sworn.

Direct by Mr. Kraehe.

4:02 Court releases jury for a break.

Court takes up objection by defense; Mr. Kraehe responds; Court overrules objection and cautions Mr. Kraehe re the questioning.

4:04 Court takes a break.

4:42 Court back in session w/jury; bench conference.

Mr. Kraehe continues direct exam; witness referred to Exhibit 37, 38; objection by Mr. Shattuck in behalf of Mr. Morton; bench conference; Court will address later; Mr. Kraehe continues direct; witness referred to Exhibit 39; Mr. Shattuck renew objection for the record; Court notes objection; witness referred to Exhibit 40; 41, 42; Mr. Shattuck renews objection; Court notes.

- 5:44 The Court will recess for today; Court instructs jury re media, research, communications re case; jury excused for the evening.
- 5:45 Court takes up Mr. Shattuck's objection on behalf of Mr. Morton and moves for mistrial; Mr. Clark joins in the objection and also moves for mistrial; Mr. Villa and Mr. Ray join in motion for mistrial; Mr. Kraehe responds; Mr. Shattuck replies and renews motion for mistrial based on 5th Amendment violation and treatment of children; Mr. Kraehe responds; Mr. Shattuck replies; Court will take under advisement and rule in the morning at 8:45; jury to return at 9:00.
- 5:50 Court in recess.

TUESDAY, OCTOBER 3, 2023

- 9:20 Court in session without jury. The Court addresses the motion for mistrial made yesterday. The Court denies the motion for a mistrial.
- 9:37 The Court begins with the jury. Mr. Kraehe continues direct examination.
- 10:48 Court bench conference regarding exhibit 74. Mr. Kraehe continues direct examination.
- 10:51 Court takes a break.
- 11:11 Court back in session. Mr. Kraehe continues direct examination.
- 11:48 Mr. Kraehe concludes direct examination. Mr. Villa begins cross examination. Mr. Villa moves for exhibit H3 to be admitted into evidence. No objection from the Government.
- 12:43 Mr. Villa concludes cross. Court in recess for lunch and will resume at 2:15pm.
- 2:18 Court in session w/out jury.
- The Court addresses previous orders on motions to suppress and lack of standing by defendant; notes warrants are not at issue; if relevance objections are coming, may have to sustain given prior rulings; Mr. Hall agrees; Mr. Villa responds; Mr. Clark responds; Mr. Ray responds.
- 2:21 Court back in session w/jury.
- Cross exam by Mr. Siraj Wahhaj; witness referred to Exhibits 41 and R; witness referred to SOP of Taos County Sheriff's office to refresh his memory; Mr. Siraj Wahhaj continues cross exam.
- 2:49 Cross exam by Mr. Morton.
- 2:54 Cross exam by Mr. Ray; witness referred to Exhibit 83, 28, 27; bench conference; witness's memory refreshed by Mr. Ray re prior statement.

3:16 Redirect by Mr. Kraehe.

3:24 Witness excused.

Ms. Brawley calls NM OSI Special Agent Paul Garcia as a witness; witness sworn.

Direct by Ms. Brawley; witness identifies Lucas Morton; witness identifies Siraj Wahhaj.

3:47 Cross exam by Mr. Kochersberger.

3:51 Cross exam by Mr. Siraj.

Cross by Mr. Morton.

3:52 Cross by Ms. Fox-Young.

3:58 Redirect by Ms. Brawley; witness referred to Exhibits 14-3, 14-4.

4:02 Witness excused.

Court takes a recess.

4:35 Court in session w/out jury.

The Court addresses defense Exhibit R; notes the Exhibit was referred to on cross exam by Mr. Siraj

Wahhaj on the last witness, but the Court has no record of its admittance; parties acknowledge.

4:39 Court back in session with the jury.

Mr. Hall calls Tonya Badger as a witness; witness sworn.

Direct by Mr. Hall; witness identifies Siraj Wahhaj; witness referred to Exhibit 24; objection by Mr.

Shattuck; bench conference; Mr. Hall continues direct.

5:17 Cross exam by Ms. Fox-Young; witness referred to Exhibit 37.

5:30 Cross exam by Mr. Ray.

5:33 Redirect by Mr. Hall.

5:36 Court questions the witness.

Witness excused.

Court instructs jury re media, research, communications; jury excused for the evening; Court to resume at 9:00 a.m.

5:38 Court in session w/out the jury.

The Court asks who the Government's next witnesses will be; Mr. Hall notes the Government will be calling Mark Torres, Randy Watt, Steve Miera as witnesses; Court asks if that will be the last of the

Government witnesses; Mr. Hall responds that will be the last of the fact witnesses and then the Government will have a couple of experts; believes the Government may rest Thursday, Friday at latest. Mr. Siraj Wahhaj offers Exhibit R for admittance; w/out objections, the Court admits Exhibit R. Mr. Kraehe offers Exhibit 104 (Demonstrative exhibit of Mr. Morton's letter admitted as Exhibit 103); Ms. Fox-Young objects to the admittance of Exhibit 104; other defendants join in the objection; Court will take under advisement and rule in the morning.

5:41 Court in recess for the evening.

WEDNESDAY, OCTOBER 4, 2023

9:10 Court in session without jury. The Court has not decided on exhibit 104 and will address at a later time. The Court addresses the jurors note/question on the record. The Government addresses exhibit 94 and 91a, both admitted with the changes.

9:15 Court in session with the jury. Government calls next witness, Mark Torres. Witness sworn. Government begins direct examination.

9:51 Government concludes direct examination. Mr. Kochersberger begins cross examination.

10:04 Mr. Kochersberger concludes cross examination. Mr. Morton begins cross examination.

10:10 Mr. Morton concludes cross examination. Ms. Fox-Young begins cross examination.

10:18 Ms. Fox-Young concludes with cross examination. Mr. Hall redirects witness.

10:21 Redirect concludes with witness. Witness dismissed. Court takes a break.

10:38 Court back in session with jury. Government calls next witness, S. Randy Watt. Witness sworn. Government begins direct examination.

11:12 The Government motions for this witness to offer expert opinions, no objection, the Court approves. Government continues to examine.

12:14 Court breaks for lunch, will resume at 1:45pm.

1:54 Court back in session w/jury.

Mr. Brawley continue direct exam; witness referred to Exhibits 16b (87-49), 14-36 16g (87-51), 16c (87-56), 16b (87-58), 16h (87-59), 16f (87-66), 16e (87-71A); objection; bench conference; Court sustains objection; question rephrased; Mr. Brawley continues direct.

2:17 Cross exam by Mr. Ray; witness referred to Exhibits 87-71, 14-2, 14-4, 14-24, 14-25, 14-26, 14-27, 14-21,

14-38, 13-3.

2:59 Cross exam by Mr. Morton.

Bench conference.

3:02 Court takes a short break.

3:13 Court back in session w/jury.

Mr. Morton continue cross exam; witness referred to Exhibit 13-3, 14-2, 14-15, 14-16.

3:23 Cross exam by Siraj Wahhaj.

3:32 Cross exam by Mr. Villa; witness referred to Exhibits 37, 13, 13-1, 14-23, 14-24, 14-25, 14-26, 14-27.

4:03 Redirect by Ms. Brawley; witness referred to Exhibit 14-1, 14-2, 13-3,

4:13 Court takes a short break.

4:38 Court back in session with jury.

Ms. Brawley continue redirect; objection; bench conference; court sustains objection and asks Ms. Brawley to rephrase the question; Ms. Brawley continues redirect.

4:47 Mr. Villa requests bench conference; bench conference.

4:49 Witness excused.

Mr. Hall calls Taos County Sherriff Steve Miera as a witness; witness sworn.

Direct by Mr. Hall; witness referred to Exhibits 37, 13, 14-32, 13-1, 14-7, 77, 76 (Photos of Phases of Terrorist Attack); 76 offered for admittance; over objection, the Court admits Exhibit 76, 88a (Video from Siraj's Phone Showing Scroll of Safe Haven); 88a offered for admittance; over objection, Court admits 88a; 88b (Video from Siraj's Phone Showing Scroll of Sniper Position Detection Procedure); 88b offered for admittance; over objection, the Court admits 88b; Mr. Hall continues direct exam.

5:40 Bench conference.

Court releases jury for the evening; Court instructs jury re media, research, communicating re case; Court will reconvene at 9:00 a.m. tomorrow.

THURSDAY, OCTOBER 5, 2023

9:03 Court in session without the jury. Bench conference to discuss jurors, one juror excused due to a family medical emergency. Alternate #1 will replace.

9:14 Court in session with jury. Cross examination with witness Mr. Miera begins with Mr. Ray.

9:33 Court calls a bench conference.

9:34 Cross examination continues.

9:35 Mr. Ray concludes cross examination and Mr. Morton begins his cross examination.

9:45 Mr. Morton concludes cross examination. Mr. Wahhaj begins cross examination.

9:47 Mr. Wahhaj concludes cross examination. Mr. Villa begins cross examination.

9:58 Bench conference. Mr. Villa moves for 23803 and 23804 to be accepted as a court exhibit, Court approves.

10:04 Mr. Villa continues cross examination.

10:10 Mr. Villa concludes cross examination. Government begins redirect.

10:13 Government concludes redirect. The court asks one question.

10:14 Witness excused. Court takes a break.

10:30 Court in session with jury. Government calls next witness, Brian Nishida. Witness sworn. Government begins direct examination.

11:46 Government concludes direct examination. Mr. Morton begins cross examination.

11:54 Mr. Morton concludes cross examination. Mr. Kochersberger begins cross examination.

12:23 Mr. Kochersberger concludes cross examination. Court breaks for lunch, will resume at 2:00pm.

Ms. Fox-Young begins cross examination.

2:07 Court back in session w/out jury.

Mr. Villa addresses the Court re the 2 pages (identified as 23803 and 23804) of Mr. Armijo's Report that counsel agreed to make part of the record; tenders Exhibit to the Court; Court will identify it as Court Exhibit 1.

2:11 Court back in session with the jury.

Cross exam by Mr. Fox-Young; witness referred to physical Exhibits, 67, 69, 71; Ms. Fox-Young refreshes the witness's memory with Cellebrite Report; Objection by Ms. Joyce; bench conference; Court overrules objection; Ms. Fox-Young offers Exhibits GG, HH, and II (Portions of Cellebrite Extraction Reports); objection; Court asks Ms. Fox-Young to lay a foundation; Ms. Fox-Young renews offer for admittance; Bench conference; Court reserves ruling on Exhibits GG, HH, II and Ms. Fox-Young may move forward with questions re the Extraction Report; Ms. Fox-Young renews offer for admittance of GG, HH, and II; Court reserves ruling on Exhibits GG, HH, and II.

- 3:17 Redirect by Ms. Joyce; witness referred to Exhibit 12.
Court excuses jury for break.
Court in session without jury; bench conference; Court not inclined to admit entire Report; directs Ms. Fox-Young to pick out those portions she wants admitted.
- 3:28 Court takes a break.
- 3:39 Court back in session with jury.
Ms. Joyce continue direct; witness referred to Exhibit 12; objection; bench conference; Witness referred to Exhibit 85; 91.
- 3:47 Witness excused.
Ms. Joyce calls FBI Forensic Account Rebecca New as a witness; witness sworn.
Direct by Ms. Joyce; witness referred to Exhibit 97, 95a, 95b, 95c, 95d, 96, 98.
- 4:13 Court takes a short break.
- 4:37 Court back in session with the jury. Government continues direct examination.
- 4:45 Government concludes direct examination. Mr. Rey begins cross examination.
- 4:55 Mr. Rey concludes cross examination. Mr. Morton begins cross examination.
- 4:58 Mr. Morton concludes cross examination. Mr. Wahhaj begins cross examination.
- 5:01 Mr. Wahhaj concludes cross examination. Mr. Villa begins cross examination. Mr. Villa moves to admit exhibit JJ and KK, no objection, Court rules the to admit Exhibits JJ (PayPal Account Info) and KK (PayPal account transactions).
- 5:25 Mr. Villa concludes cross examination. Government begins redirect.
- 5:27 Government concludes redirect. Witness excused. Bench conference.
- 5:31 Jury excused for the evening. The Court discusses schedule for tomorrow.
- 5:39 Court in recess for the evening, will resume tomorrow at 9:00am.

Friday, October 6, 2023

- 9:13 Court in session without jury. Ms. Fox-Young addresses redactions for the exhibits she edited; GG, HH, and II. The Court reserves ruling on admittance. Additionally, Jamilla Jihad would like to speak to the defendants on a break or during lunch, the Court approves this request.
- 9:15 Court in session with the jury, Government calls the next witness, John Phillips. Witness sworn.

Government begins direct examination.

9:48 Bench conference. Government continues direct examination.

10:23 Bench conference. Government continues direct examination.

10:30 Court takes a break.

10:55 Court back in session with jury. Ms. Fox-Young begins cross examination.

11:07 Ms. Fox-Young concludes cross examination. Mr. Kochersberger begins cross examination.

11:34 Mr. Kochersberger concludes cross examination. Government begins redirect.

11:37 Government concludes redirect. Witness excused.

Government asks that the Court takes judicial notice of Easter in 2018. No additional evidence, the

Government rests. The Court dismisses the jury, they are to return at 1:45 pm.

11:40 The Court addresses exhibit 103 and 104. The Court will admit exhibit 104, notes defense counsel's objection for the record. Exhibit 103a will also be admitted.

11:44 Defense counsel all move for Rule 29 motions, Mr. Kochersberger begins argument.

12:11 Mr. Kochersberger concludes argument. Mr. Villa begins argument.

12:20 Mr. Villa concludes argument. Mr. Clark begins argument.

12:25 Mr. Clark concludes argument. Mr. Shattuck begins argument. Mr. Shattuck concludes argument. Mr.

Wahhaj and Mr. Morton do not add anything further. The Court makes a partial ruling as to Rule 29 denying as to Siraj Wahhaj and Lucas Morton.

12:28 Bench conference. Court in recess, will resume after lunch.

1:55 Court back in session w/out jury.

Court conducts bench conference addresses question from a juror; Mr. Kraehe suggests a response; Mr.

Villa suggests a response; Court will send written response to the juror.

1:59 Mr. Morton addresses the Court re witnesses he wished to have testify on his behalf and were not made available for testimony; notes he wished for Musa, Aisha, Terry Cooper, and Michael Reynolds to testify; Court takes under advisement and will address at a later point today.

2:05 Court in session with the jury.

Mr. Morton gives opening statement.

2:19 Mr. Villa calls Joost Janssen as a witness; witness sworn.

Direct by Mr. Villa; offered for expert opinion; bench conference; consistent with the Court previous ruling, the Court will allow Mr. Jannsen to provide expert testimony; witness referred to weapons, one of which is Exhibit 54, witness referred to Exhibits 13-1, 14-27, H3, I (Earthship Receipt and Application); Exhibit I offered for admittance; w/out objection, the Court admits Exhibit I, 14-2, 14-3.

3:28 Direct exam by Mr. Siraj Wahhaj.

3:39 Cross exam by Mr. Hall; witness referred to Exhibits 13-3, 14-7, 14-29.

4:15 Court takes a short break.

4:35 Redirect by Mr. Villa; witness referred to Exhibit 81; objection by Mr. Hall to line of questioning; Mr. Villa responds; Court sustains objection; Mr. Villa continues redirect.

4:41 Witness excused.

The Court instructs the jury re media, research, communication re case; Court will resume at 10:00 a.m. Tuesday morning.

4:43 Jury excused for the weekend.

Court in session w/out the jury; Court addresses Mr. Morton re witnesses not called; notes Mr. Morton did not file a witness list; Mr. Morton confirms he did not file a witness list; Court asks Mr. Shattuck if he wishes to address the matter by motion and the Court will look, but it's not sure subpoenas can be issued; Court addresses jury instructions and ask counsel to file any objection on Monday; asks if Mr. Hall wants to respond to Rule 29 motions today; Mr. Hall advises he will respond Tuesday morning.

Mr. Villa advises that the defense may rest in about a day and half noting a few other witnesses to present.

The Court asks Siraj Wahhaj and Lucas Morton to consider whether they will wish to take the witness stand to testify; Mr. Wahhaj and Mr. Morton understand; Court advises that stand-by counsel are available if they would like to consult with them; notes final decision will be theirs to make.

The Court asks Subhanah Wahhaj and Hujrah Wahhaj to consider whether they will testify also after consulting with their counsel; notes final decision will be theirs to make; Subhanah Wahhaj and Hufrah Wahha understand.

The Court instructs counsel to be here by 9:00 a.m. on Tuesday morning.

4:51 Court in recess.

TUESDAY, OCTOBER 10, 2023

9:13 Court in session without jury. The Court allows the Government to respond to the motion for judgment of acquittal as to Hujjah Wahhaj and Subhanah Wahhaj. Mr. Hall responds.

9:43 Mr. Hall concludes argument. Mr. Kochersberger responds to argument.

9:53 Mr. Kochersberger concludes argument. Mr. Villa responds to argument.

9:56 Mr. Villa concludes. Mr. Clark and Mr. Shattuck briefly respond.

9:57 Court in a short recess.

10:34 Court in session without jury. Ms. Fox-Young addresses the Court regarding exhibits II, GG, and HH asking for admittance. The Court will review during the lunch break.

10:39 Court in session with jury. Defense counsel calls next witness, Hannah Kastenbaum, witness sworn. Defense begins direct examination.

11:16 Mr. Villa concludes direct examination. Mr. Kochersberger begins direct examination. Mr. Morton and Mr. Wahhaj do not have questions.

11:19 Mr. Kochersberger concludes. Ms. Joyce begins cross examination.

11:26 Ms. Joyce concludes cross examination. Mr. Villa begins redirect.

11:33 Mr. Villa concludes redirect. Witness excused. Defense counsel calls next witness, Megan Jenkins, witness sworn. Mr. Ray begins direct examination.

11:51 Mr. Ray concludes direct examination. Mr. Wahhaj begins direct examination.

11:53 Mr. Wahhaj concludes direct examination. Mr. Morton begins direct examination.

12:02 Mr. Morton concludes direct examination. Ms. Fox-Young has one question. Court on a short break.

12:20 Court returns from break, with jury. Mr. Hall begins cross examination.

12:24 Mr. Hall concludes cross examination. Mr. Ray begins redirect.

12:25 Mr. Ray concludes redirect. Witness excused. Court will take a lunch break and will reconvene at 2:00pm.

12:27 The Court allows Ms. Joyce to respond in opposition to admitting the defense exhibits, II, GG, and HH.

12:32 Ms. Fox-Young responds to argument.

12:35 Court will take this argument under consideration. Court will take a lunch break and resume at 2:00.

2:10 Court back in session w/out the jury. Ms. Fox-Young puts on record the stipulation of exhibit LL, the Court admits Exhibit LL.

Mr. Siraj Wahhaj calls Leonard Holifield as a witness; witness sworn.

Direct by Mr. Wahhaj; witness referred to Exhibit H6; offers Exhibit H6 ((Siraj Wahhaj training materials); Court reserves ruling on Exhibit H6; Mr. Wahhaj continues directs; H1 page 9 (Siraj Wahhaj training materials) offered for admittance; objection by Mr. Kraehe; Mr. Kraehe withdraws objection; w/out objection, the Court admits H1, page 9; witness referred to Exhibit H1, page 10; H1, page 10 offered for admittance; Court asks relevance, noting the witness can testify that Mr. Wahhaj has taken the security course; Mr. Wahhaj continues direct; witness referred to document "Phases of a Terrorist Attack."

2:42 Cross exam by Mr. Kraehe.

2:48 Witness excused.

Ms. Fox-Young calls Case Agent Travis Taylor as a witness; witness sworn.

Direct by Ms. Fox-Young; witness referred to Exhibits 67, 70, and 71, GG, II, 94, 92, 93, 90, 77a, Ms. Fox-Young renews request to admit Exhibit GG; bench conference; Court admits Exhibits GG, HH, and II; Ms. Fox-Young continue directs; witness referred to Exhibit GG, witness referred to Bates #15978 to refresh his memory.

3:56 Court takes a recess.

4:34 Court in session w/out jury.

Mr. Kraehe makes an objection for the record re the line of questioning by Ms. Fox-Young; Ms. Fox-Young responds; Court overrules objection.

4:40 Court back in session with jury.

Ms. Fox-Young continues direct exam; witness referred to Bates 16245 to refresh his memory, Exhibits 97, 7, 95, 97, LL.

5:04 Direct exam by Mr. Wahhaj; witness referred to Exhibit 77, Mr. Wahhaj offers Exhibit H1, page ??; Mr. Kraehe addresses whether the exhibit shown by Mr. Wahhaj is Government Exhibit 77; discussion between counsel; offers 77b; without objection from the Government and objection by Mr. Fox-Young, the Court admits Exhibit 77b; bench conference.

5:25 Court excuses jury for the evening until tomorrow morning at 9:30 a.m.; instructs jury re media, research, and communicating re the case.

5:26 Court in session without jury; Ms. Fox-Young notes 2 more witnesses and they will be by Zoom; advises that after that the defense will rest.

The Court directs defendant to consider whether they will take the witness stand and advise Court.

Mr. Villa suggests taking tomorrow to wrap-up and deal with Rule 35 motion(s), jury instructions, and do closing arguments on Thursday; Court agrees.

Mr. Villa asks how much time the Court will allow for closing arguments; Mr. Kraehe asks for 2 hours; Mr. Villa asks for an hour; Mr. Ray asks for 45 minutes; Mr. Shattuck advises Mr. Morton would ask for 30 minutes; Mr. Clark advises Mr. Wahhaj would like 30 minutes also; Mr. Kraehe advises he could do it in 90 minutes; Court agrees to 90 minutes but won't hold the Government to exactly 90 and defendants can have 45 minutes, but won't hold them to exactly 45; Court notes it will let jury set its own schedule once the case is given to it for deliberations.

The Court directs counsel to return at 9:00 a.m.

5:33 Court in recess for the evening.

WEDNESDAY OCTOBER 11, 2023

9:36 Court in session without jury. The Court addresses closing statements. The Government will receive two hours. The Defense will receive a total of three hours.

9:42 Court in session with the jury. Mr. Morton begins direct examination of the witness.

Mr. Morton concludes direct examination.

9:54 Bench conference.

9:55 Direct examination continues.

10:03 Mr. Morton concludes direct examination. Mr. Ray begins direct examination.

10:15 Bench conference.

10:17 Mr. Ray continues direct examination.

10:30 Mr. Ray concludes direct examination. Government begins cross examination.

11:06 Court takes a break.

11:22 Court returns from break without jury to discuss if defendants will take the stand. Mr. Morton will not. Mr. Wahhaj will not. Ms. Hujjah Wahhaj will not. Ms. Subhanah Wahhaj will not.

11:27 Government continues cross examination.

11:28 Bench conference.

11:29 Government continues cross examination.

11:36 Government concludes cross examination. Ms. Fox-Young begins redirect.

11:45 Ms. Fox-Young concludes redirect. Mr. Ray begins redirect.

11:49 Mr. Ray concludes redirect. Witness excused. Bench conference.

11:59 Court will take a short break for witness appearing via zoom.

12:03 Court back in session with the jury. Defense counsel calls next witness, Nina Morton, witness sworn. Ms. Fox-Young begins direct examination.

12:08 Bench conference.

12:10 Ms. Fox-Young continues direct examination.

12:25 Ms. Fox-Young concludes direct. No further examination from the defense. Ms. Brawley begins cross examination.

12:36 Ms. Brawley concludes cross examination. Ms. Fox-Young begins redirect.

12:38 Ms. Fox-Young concludes redirect. Witness excused. All defense counsel rest. Court will break for lunch and releases jury, require them to return at 9:00am tomorrow. Court will resume today at 2:00pm without the jury.

3:38 Court in session without the jury.

Court reviews Court's Proposed Jury Instructions with counsel and takes objections, corrections, and amendments.

4:19 Court takes a short break.

4:45 Court back in session without jury.

The Court continues review of proposed jury instructions with counsel.

5:21 Mr. Villa renews Rule 29 motion and motion for severance; Mr. Hall responds; Court will rule from the bench and directs counsel to be here tomorrow by 8:45 a.m.; Court notes it still needs to rule on Subhanah's and Hujrah's Rule 29 motions.

5:24 Court in recess.

THURSDAY, OCTOBER 12, 2023

8:58 Court in session without jury.

The Court denies Rule 29 motions as to Siraj Wahhaj and Lucas Morton; denies defendant's renewed motion to sever; Court addresses jury instructions.

9:10 Court in session with the jury.
Court gives final jury instructions to the jury.

10:35 Court takes a short break.

10:48 Court in session with the jury.
Closing argument by Ms. Brawley.

11:51 Closing argument by Mr. Villa.

12:46 Court breaks for lunch to return at 2:00 p.m.

2:11 Court back in session with the jury.
Closing argument by Mr. Ray.

2:53 Closing argument by Mr. Wahhaj.

3:19 Closing argument by Mr. Morton.

3:48 Court releases the jury for a break.
Court in session without the jury; Bench conference; Court notes counsel are in agreement re alternates to be excused.

3:50 Court takes a short break.

4:27 Court back in session with the jury.
Rebuttal closing by Mr. Kraehe

5:07 Court excuses alternate jurors and instructs them not to discuss the case until the verdict is published.
The Court directs the jury to retire to the jury room and select a foreperson and advise the Court about their schedule for tonight.
Court takes a short break.

5:25 Court back in session with the jury.
The Court excuses the jury for the evening to return tomorrow at 9:30 a.m.; instructs jury re deliberations noting all 12 jurors must be present before beginning deliberations; Court advises jury that lunch will be provided tomorrow.

5:26 The Court releases the jury for the evening.
Court in session without jury; advises that, if jurors have a question, the Court will convene to discuss with counsel.

5:27 Court in recess for the evening.

FRIDAY, OCTOBER 13, 2023

11:28 Court in telephonic session re question from jury; counsel enter appearances; defendants not present.

The Court discusses jury's question with counsel; counsel suggest responses; Court composes a response and has it sent to the jury.

11:39 Court in recess.

4:12 Court in session with jury.

4:15 Court excuses jury for the weekend to return at 9:30 a.m. on Monday morning.

MONDAY, OCTOBER 16, 2023

2:53 Court in telephonic session; counsel enter appearances; defendants not present.

Court discusses jury's question with counsel and suggests an answer; counsel have no objection to the Court's suggested answer; Court has written answer delivered to the jury.

2:55 Court in recess.

4:12 Court in session; counsel present; defendants present.

The Court dismisses the jury until tomorrow at 9:30 a.m.; instructs jury re media, research, and communicating about the case.

4:15 Court in recess for the evening.

TUESDAY, OCTOBER 17, 2023.

1:22 Court in session with the jury; counsel and defendants present.

Jury foreperson advises the Court that the jury has reached a verdict.

Verdict published.

1:35 Court releases the jury to the jury room.

Court in session without the jury; Court notes Presentence Reports will be prepared and sentencing hearings set.

Court in recess.

WITNESS/EXHIBIT LIST

		CR18-2945 WJ USA v. Wahhaj et al.
Plaintiff's Attorney: Kimberly Brawley, George Kraehe, Jackson Hall, and Jessica Joyce	Defendant's Attorney: Thomas Clark, stand-by counsel for Siraj Wahhaj, Ryan Villa and Justine Fox-Young for Subhanah Wahhaj, Marshal Ray and Donald Kochersberger for Hujrah Wahhaj, Joseph Shattuck, stand-by counsel for Lucas Morton	United States District Court District of New Mexico
		Trial/Hearing Date(s): 9/25/23 to 10/17/23
Presiding Judge: William P. Johnson	Court Reporters: M. Loughran and Paul Baca	Courtroom Deputy: R. Garcia and Ashley Kittrell

Exh. No.	Witness	Date Off.	Obj.	Adm.	Description of Exhibits*
3-11c	Preadmitted	9/20/23 PTC		X	
13-22	Preadmitted	9/20/23 PTC		X	
24-73	Preadmitted	9/20/23 PTC		X	
77	Preadmitted	9/20/23 PTC		X	
77A	Preadmitted	9/20/23 PTC		X	
79-83	Preadmitted	9/20/23 PTC		X	
85-87	Preadmitted	9/20/23 PTC		X	
89-102	Preadmitted	9/20/23 PTC		X	
A1	Preadmitted	9/20/23 PTC		X	
A2	Preadmitted	9/20/23 PTC		X	
B1	Preadmitted	9/20/23 PTC		X	
D	Preadmitted	9/20/23 PTC		X	

Exh. No.	Witness	Date Off.	Obj.	Adm.	Description of Exhibits*
E	Preadmitted	9/20/23 PTC		X	
G1	Preadmitted	9/20/23 PTC		X	
G2	Preadmitted	9/20/23 PTC		X	
P	Preadmitted	9/20/23 PTC		X	
1	H. Ramizi	9/26/23		X	family video of Abdul Ghani on Eid
2	“	“		X	Video of Abdul Ghani
CC	None	9/27/23		X	4/25/16 Memorandum of Contract
12	J. Louis-Jacques	9/27/23	X	X	Jany Leveille’s Testament Book
DD	J. Louis-Jacques	9/28/23		X	Jany Leveille’s Testament Book Pages 195, 200, 201, and 207
103	Captain W. Scott Stubbs	10/2/23	X	X	Letters from Mr. Morton to Captain Stubbs
104	“	“		With-drawn	Partial Transcription of the Letter (exhibit 103)
23	M.A Wahhaj	“		X	Letter to Muhammad
FF	“	“		X	Facebook Business Record by Subhanah
EE	“	“		X	Facebook Business Record by Subhanah
H3	Jerry Hogrefe	10/3/23		X	Siraj Ibn Wahhaj Training Materials ESI Training Materials
R	P. Garcia	“		X	Axon Body 2 Video
76	S. Miera	10/4/23	X	X	Photos of Writing in Notebook from Compound – Phases of a Terrorist Attack
88a	“	“	X	X	Video from Siraj’s Phone Showing Scroll of Safe Haven
88b	“	“	X	X	Video from Siraj’s Phone Showing Scroll of Sniper Position Detection Procedure
Court Exhi bit #1	Steve Miera	10/5/23		X	Taos County Sheriff Deputy Report Pages: 23803 and 23804
JJ	Rebecca New	10/5/23		X	PayPal account info
KK	“	“		X	PayPal account transactions
I	J. Jannsen	10/6/23		X	Earthship Receipt and Application

Exh. No.	Witness	Date Off.	Obj.	Adm.	Description of Exhibits*
LL		10/10/23		X	Credit Application from Randall Lumber & Hardware
H 1 page 9	Dr. Holifield	“		X	Page 9 of Siraj Wahhaj’s training materials
GG	SA Taylor	“	X	X	Portion of Extraction Report
HH	“	“	X	X	Portion of Extraction Report
II	“	“	X	X	Portion of Extraction Report
77b	“	“	X	X	Notebook